



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,533	03/29/2004	David L. Matheny	P18484	2291

28062 7590 01/04/2008
BUCKLEY, MASCHOFF & TALWALKAR LLC
50 LOCUST AVENUE
NEW CANAAN, CT 06840

EXAMINER

REHMAN, MOHAMMED H

ART UNIT	PAPER NUMBER
----------	--------------

2116

MAIL DATE	DELIVERY MODE
-----------	---------------

01/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

mn

Office Action Summary	Application No. 10/811,533	Applicant(s) MATHENY ET AL.	
	Examiner Mohammed H. Rehman	Art Unit 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6, 7, 13, 14 and 20-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 7, 13, 14 and 20-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The office acknowledges the receipt of the following and placed of record in the file:

Amendment dated 11/16/07

2. **Claims 6, 7, 13, 14 and 20-33** are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 6, 7, 13, 14, 20-24, 26-28 and 30-32** are rejected under 35 USC 103(a) as being obvious over Dennis et al. (hereinafter, "Dennis") U.S. Patent No. 7,174,446 in view of Doherty et al. (hereinafter, "Doherty") U.S. Patent Application Publication No. 2003/0018763.

Regarding Claim 6, Dennis teaches a method comprising:

receiving input from a user [Dennis, col-4 lines: 51-53]; and

in response to the input, a selection is made [Dennis, col-3- lines: 47-59 and col-4 lines: 9-22; Fig-2(C)]. Dennis does not disclose expressly selecting one of a BCV (boot connection vector) pointer and a BEV (bootstrap entry vector) pointer to have a non-null value;

wherein the selecting includes changing the BCV pointer from a null value to a non-null value and changing the BEV pointer from a non-null value to a null value.

In the same field of endeavor (e.g. e.g. software distribution to a client over network), Doherty discloses selecting one of a BCV (boot connection vector) [Doherty, Para: 0049(BCV is booting from floppy or hard drive according to specification)] pointer and a BEV (bootstrap entry vector) [Doherty, Para: 0050(BEV is booting from network according to specification)] pointer to have a non-null value (selection of boot option);

wherein the selecting includes changing the BCV pointer from a null value (zero/no value) to a non-null value (choosing to boot from floppy/HD) and changing the BEV pointer from a non-null value to a null value (chose not to boot from network) [Doherty, Paras: 0049 and 0050; Fig-9(selection to boot from floppy/hard drive in step 940 with a command from management server in 960 is a booting process from BCV)].

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have incorporated Dennis's teachings of user selection by an input from a user with the teachings of Doherty for the purpose of customizing the boot process according to user's need in order to minimize the booting time of a computer system.

Regarding Claim 7, Dennis teaches a method comprising:

receiving input from a user [Dennis, col-4 lines: 51-53]; and

in response to the input, a selection is made [Dennis, col-3- lines: 47-59 and col-4 lines: 9-22; Fig-2(C)]. Dennis does not disclose expressly selecting one of a BCV (boot connection vector) pointer and a BEV (bootstrap entry vector) pointer to have a non-null value;

wherein the selecting includes changing the BEV pointer from a null value to a non-null value and changing the BCV pointer from a non-null value to a null value.

In the same field of endeavor (e.g. software distribution to a client over network), Doherty discloses selecting one of a BCV (boot connection vector) [Doherty, Para: 0049(BCV is booting from floppy or hard drive according to specification)] pointer and a BEV (bootstrap entry vector) [Doherty, Para: 0050(BEV is booting from network according to specification)] pointer to have a non-null value (selection of boot option);

wherein the selecting includes changing the BEV pointer from a null value (zero/no value) to a non-null value (choose to boot from network) and changing the BCV pointer from a non-null value to a null value (choose not to boot from floppy /HD) [Doherty, Para: 0053; Fig-9 (selection to boot from network in step 940 with a command from management server in 970 is a booting process from BEV)].

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have incorporated Dennis's teachings of user selection by an input from a user with the teachings of Doherty for the purpose of customizing the boot process according to user's need in order to minimize the booting time of a computer system.

Claim 13 is rejected on grounds corresponding to the reasons given above for claim 1 and Doherty furthermore discloses a processor [Fig-7(701 has CPU)] and a memory coupled to the processor and storing a program [Claim 16 and Para: 0046], the processor operative with the program.

Claim 14 is rejected on grounds corresponding to the reasons given above for claim 7 and Doherty furthermore discloses a processor [Fig-7(701 has CPU)] and a memory coupled to the processor and storing a program [Claim 16 and Para: 0046], the processor operative with the program.

Claim 20 is rejected on grounds corresponding to the reasons given above for claim 1 and Doherty furthermore discloses a storage medium having stored thereon instructions that when executed by a machine [Para: 0049(Application Program)].

Claim 21 is rejected on grounds corresponding to the reasons given above for claim 7 and Doherty furthermore discloses a storage medium having stored thereon instructions that when executed by a machine [Para: 0049(Application Program)].

Regarding Claims 22 and 24, Dennis teaches prior to receiving the input, prompting the user to select [Dennis, col-4 lines: 43-55]. Dennis does not disclose expressly selecting a boot option from among a plurality of boot option.

Doherty teaches selecting a boot option from among a plurality of boot option [Doherty, Para: 0053].

The motivation that was utilized in the combination of Claim 1, super, applies equally as well to Claim 22.

Regarding Claim 23, Dennis teaches wherein the prompting includes displays plurality of boot order. Dennis does not disclose expressly plurality of boot options.

Doherty teaches plurality of boot options [Doherty, Para: 0053].

The motivation that was utilized in the combination of Claim 1, super, applies equally as well to Claim 23.

Regarding Claims 26-28, all the same elements of Claims 22-24 are listed, but in system form rather than method form. Therefore, the supporting rationale of the rejection to Claims 22-24 applies equally as well to Claims 26-28.

Regarding Claims 30-32, all the same elements of Claims 22-24 are listed, but in apparatus form rather than method form. Therefore, the supporting rationale of the rejection to Claims 22-24 applies equally as well to Claims 30-32.

4. Claims 25, 29 and 33 are rejected under 35 USC 103(a) as being obvious over Dennis et al. in view of Doherty et al. (hereinafter, "Dennis-Doherty") and further in view of Applicant's Admitted Prior Art (hereinafter, "AAPA").

Regarding Claim 25, Dennis-Doherty teaches the substantially as described rejecting claim 24 above. Dennis-Doherty does not disclose expressly wherein the plurality of boot options includes:

at least one PXE (Pre-boot Execution Environment) option;

at least one RPL (Remote Program Load) option; and

at least one iSCSI (Intermit Small Computer System Interface) option.

In the same field of endeavor (e.g. flexible option ROM booting), AAPA teaches wherein the plurality of boot options includes:

at least one PXE (Pre-boot Execution Environment) option [AAPA, Page; 3 lines: 11-24];

at least one RPL (Remote Program Load) option [AAPA, Page:3 lines: 11-24]; and

at least one iSCSI (Internet Small Computer System Interface) option [AAPA, Page: 3 lines: 11-24].

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have incorporated AAPA's teachings of plurality of boot options with

teachings of Dennis-Doherty for the purpose of giving user choice of booting from multiple boot options in order to make the system more flexible in order to fit business needs.

Regarding Claims 29, all the same elements of Claim 25 are listed, but in system and form rather than method form. Therefore, the supporting rationale of the rejection to Claims 25 applies equally as well to Claims 29.

Regarding Claims 33, all the same elements of Claim 25 are listed, but in apparatus form rather than method form. Therefore, the supporting rationale of the rejection to Claims 25 applies equally as well to Claims 33.

Response to Arguments

5. Applicant's arguments filed on 5/21/07 have been fully considered but they are not persuasive. Regarding **claims 6, 7, 13, 14, 20 and 21** applicant argues, "... Doherty does not mention either BCV or BEV pointers at all, and hence clearly fails to disclose changing such pointers from a null value to a non-null value or vice versa". The examiner disagrees. Dennis et al. teaches BCV vector and a selection is made in response to user input. Doherty et al. teaches how null value is changes to non-null value or vise versa [Fig-9(step 940 to Yes/No)]. Doherty et al. also teaches how to boot from local drive (floppy/HD) and from network which serves the same purpose of so called Boot Connection Vector (BCV) and Boot Entry Vector (BEV) according to specification [Specification, Page-3 lines: 5-18]. So, Doherty et al. teaches the argued feature of BCV and BEV. Therefore the argument is not persuasive.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed H. Rehman whose telephone number is 571-272-1412. The examiner can normally be reached on 9.00-5.00 (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2116

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MR


JAMES K. TRUJILLO
PRIMARY EXAMINER
TC 2100
1/3/08